

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1517 OF 2006

Raju Mahaling Patil.	...Applicant
V/s.	
State of Maharashtra.	...Respondent

Shri S.A. Ingawale for Applicant.
Shri S.U. Gajre, APP for the State.

CORAM : V.M. KANADE, J.

DATED : APRIL 24, 2006

P.C. :-

. Heard learned Counsel for the applicant and learned APP for the State.

. The applicant was arrested in connection with an offence punishable under Section 302 read with Section 34 of the IPC. The incident, in question, took place on 20th November, 2005 and the applicant was immediately arrested.

2. It is alleged that the applicant assaulted his stepbrother with a knife on account of incident which had taken place earlier on the same day when the deceased had assaulted the applicant and had slapped him

and had humiliated him in the presence of number of persons and had snatched his motor-cycle. The charge sheet has been filed.

3. It is submitted that the applicant is a student having meritorious past academic record. The deceased and his friend-complainant are both history sheeter. It is submitted that the trial is not likely to commence for some time.

4. Taking into consideration the fact that the incident had taken place as a result of the earlier provocation which is given to the applicant, the applicant is entitled to be released on bail.

5. Learned APP, on the other hand, submitted that there are two eye witnesses and there are as many as 12 incised wounds on the person of the deceased.

6. In my view, since the applicant was a young boy of 20 years of age when the incident took place and since the chargesheet has been filed and there is

possibility that the trial may not start in the near future and also since the applicant is not history sheeter or a criminal with antecedents, in my view, it would be appropriate if he is released on bail after imposing stringent conditions rather than keeping him in custody with other hardened criminals.

7. The applicant, therefore, be released on bail in the sum of Rs.5000/- with one or two sureties in the like amount. The applicant shall not tamper with the evidence or threaten any witnesses. The applicant shall report to the concerned Police Station twice in a month.

8. The trial Court shall not be influenced by any observations made by this Court while deciding the application and the same shall not be construed as an expression of opinion on merits of the case.

. The application is disposed of.

. Parties to act on the authenticated copy of this order.

(V.M. Kanade, J.)